United Nations A/71/831–S/2017/199

General Assembly
Security Council

Distr.: General
8 March 2017

Original: English

General Assembly
Seventy-first session
Agenda items 32, 37 and 39

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Security Council
Seventy-second year

Letter dated 7 March 2017 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I am writing to you regarding the letter dated 12 January 2016 from the Permanent Representative of Armenia addressed to the Secretary-General (A/71/749-S/2017/42).

The said letter not only failed to respond to our comments (see A/71/627-S/2016/986) with regard to the allegations made by Armenia in its written communication for the report of the Secretary-General entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" (A/71/91) but also provided yet another example of Armenia's falsifications and manifest disregard of international law.

The letter also left unaddressed the direct question as to why Armenia resorts to such allegations through a written communication for the report of the Secretary-General relating to Cuba, instead of tackling directly the issue of the so-called "blockade" where appropriate: in the General Assembly or the Security Council, given its "continuity".

The answer is very simple and clear. There is no hint of any blockade by Azerbaijan against Armenia.

As is well known, economic relations and land communication between our countries were interrupted because of Armenia's aggression against Azerbaijan and the resulting military occupation of a significant part of my country's territory. The war waged by Armenia claimed the lives of tens of thousands of people, ruined cities and livelihoods and resulted in the forcible expulsion of more than 1 million

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Azerbaijanis from their homes and properties, while thousands of people went missing in connection with the conflict.

It should be particularly noted that, since the very first day of the conflict, combat operations have been conducted exclusively inside the territory of Azerbaijan, almost in the middle of the country, affecting its civilian population and infrastructure.

The war also has had a serious negative economic and humanitarian impact on the Nakhchyvan Autonomous Republic of Azerbaijan, which is separated from the main part of the country by the territory of Armenia. The railroad communication between Baku and Nakhchyvan ceased its operations as a result of the attacks and robberies that passenger and cargo trains had been regularly subjected to since 1989 while passing through the territory of Armenia. Later, the Armenian section of the railway route connecting Azerbaijan with its Nakhchyvan Autonomous Republic was destroyed and dismantled.

It is no coincidence that, besides mere assertion, the aforementioned letter failed to provide a single piece of evidence of the existence of any successful example of "developing economic linkages and building confidence between conflicting parties", of which one is an aggressor and the other is the object of the aggression. It would be nonsense for a country whose territory is under military occupation, whose hundreds of thousands of citizens were subjected to atrocious crimes and notorious ethnic cleansing, to provide the aggressor access to its territory and engage with it in any economic relations.

In its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), the Security Council acknowledged the fact that acts of military force were committed against Azerbaijan; that such acts are unlawful and incompatible with the prohibition of the use of armed force in international relations and in contradiction with the Charter of the United Nations and its purposes; and that they constitute an obvious violation of the sovereignty and territorial integrity of Azerbaijan, specifically as pertains to Article 2, paragraph 4, of the Charter.

In those resolutions, the Security Council never qualified interruptions of economic or other relations between Armenia and Azerbaijan as a blockade or a unilateral coercive measure, as the Armenian side tries to assert, and clearly made the removal of all obstacles to communications and transportation conditional upon the immediate, complete and unconditional withdrawal of the Armenian occupying forces from the occupied territories of Azerbaijan.[1]

Most importantly, in the context of specific determinations made by the Security Council, Armenia's actions should be seen as a serious breach of obligations under peremptory norms (*jus cogens*) of general international law, which gives rise to duties of States to cooperate in order to bring such a breach to an end by lawful means and not to recognize as lawful a situation created by it, nor render aid or assistance in maintaining that situation.

The General Assembly, in its resolution 62/243, entitled "The situation in the occupied territories of Azerbaijan", reaffirmed that "no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation".

[1] See Security Council resolutions 853 (1993), paras. 3-5, and 874 (1993), para. 5.

As the International Law Commission recognized in article 54 of the articles on State responsibility, which were commended to States by General Assembly resolution 56/83 of 12 December 2001, any State has the right to take lawful measures against the responsible State to ensure cessation of the breach and reparation in the interests of the injured State or of the beneficiaries of the obligation breached.

Based on the principle of non-recognition, not only Azerbaijan but also a number of other States Members of the United Nations, in their efforts to limit the consequences of gross violations of international law by Armenia, refrain from either establishing diplomatic or consular relations with Armenia or minimizing them, as well as from entering into economic and trade cooperation with it.

In its resolution 10/43-POL of 19 October 2016, entitled "Aggression of the Republic of Armenia against the Republic of Azerbaijan", the Council of Foreign Ministers of the Organization of Islamic Cooperation called upon member States, as well as other members of the international community, "to use such effective political and economic measures, as required, in order to put an end to Armenian aggression and occupation of the Azerbaijani territories, including, inter alia, through refraining from economic activities in and investments to the Republic of Armenia, as well as through limiting overall cooperation with the Republic of Armenia".

Armenia's attempts to speculate on a sensitive domain of human rights are fundamentally flawed and beneath all criticism. It is irrefutable that Armenia cannot demand privileges at the very core of which are gross and systematic violations of international law, including international humanitarian and human rights law, and the discriminatory denial of fundamental rights and freedoms with respect to the significantly larger Azerbaijani population expelled from, and denied access to, their homes and properties in both Armenia and the occupied territories of Azerbaijan.

The problems Armenia is facing in the socioeconomic sphere, such as the significant drop in major segments of its economy in recent years and high migration from the country of its citizens in search of a better life, are caused mostly by the policy of aggression, hatred and animosity pursued by the leadership of Armenia. This policy totally does a disservice to the genuine interests, aspirations and well-being of the Armenian people, which can be ensured only through good-neighbourly relations.

Peace, security and stability are achievable, first and foremost, only if the consequences of Armenia's aggression and occupation are removed, thereby ensuring that its armed forces are immediately, unconditionally and completely withdrawn from the territories of Azerbaijan, the sovereignty and territorial integrity of my country are restored and the right of internally displaced Azerbaijanis to return to their homes is guaranteed and implemented.

The earlier the leadership of Armenia realizes the lack of any prospect of its dangerous political agenda, the sooner peace and security will be restored.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 32, 37 and 39, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative